

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AMERICAN SPIRIT AND CHEER
ESSENTIALS, INC., ROCKSTAR
CHAMPIONSHIPS, LLC, JEFF &
CRAIG CHEER, LLC, d/b/a JEFF AND
CRAIG CAMPS, and ASHLEY
HAYGOOD, Individually and on Behalf
of all Others Similarly Situated,

Plaintiffs,

v.

VARSITY BRANDS, LLC, BSN
SPORTS, LLC, VARSITY SPIRIT
LLC, STANBURY UNIFORMS, LLC,
HERFF JONES, LLC, BAIN
CAPITAL, LP, CHARLESBANK
CAPITAL PARTNERS,
LLC, VARSITY BRANDS HOLDING
CO., INC., VARSITY SPIRIT
FASHION & SUPPLIES, LLC, U.S.
ALL STAR FEDERATION, INC., USA
FEDERATION FOR SPORT
CHEERING, d/b/a USA CHEER,
VARSITY INTROPA TOURS, LLC
and JEFF WEBB,

Defendants.

CIVIL ACTION
FILE NUMBER:
1:20-cv-03088-SCJ

CLASS ACTION

**REQUEST FOR PRODUCTION
OF DOCUMENTS TO
DEFENDANT BSN
SPORTS, LLC**

**PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Federal Rules of Civil Procedure 34 Plaintiff requests that Defendant, BSN Sports, LLC produce and permit Plaintiff to inspect and copy the following documents. Defendant is requested to produce the documents at the offices of Falanga & Chalker, 11200 Atlantis Place, Suite C, Alpharetta, Georgia 30022, within thirty (30) days of receiving this Request for Production of Documents. These document requests are continuing in nature and must be supplemented as required by Fed. R. Civ. P. 26 (b)(e).

For the purposes of this request, the term "document" means anything serving as proof, or which may be relied upon to record or prove something, and includes, but is not limited to, writings, drawings, graphs, charts, photographs, audio and video recordings, correspondence, contracts, invoices, billings, memoranda, reports, notices, transcripts, summaries, minutes, electronic mail, and data compilations, including those in computer media or memory.

For purposes of this request, the term "Defendant" includes all persons or organizations acting on behalf of or at the behest of the Defendants named in the caption of this action and BSN Sports, LLC.

REQUESTS FOR PRODUCTION

1.

Please produce any and all financial records or agreements that would reflect how much money was taken in and what was spent out associated with funds obtained by BSN Sports, LLC for any sales done associated with the scholastic sales of merchandise for the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

2.

Please produce any and all financial records associated with the business of the BSN Sports, LLC for the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

3.

Please produce a copy of the restrictive “exclusivity” email, memo, letter or directive sent by VP Bill Boggs in approximately 2008 to the college coaches stating:

“After much thought and deliberation and based on a number of factors, NCA/ NDA (Varsity) is initiating a new policy related to College Nationals: Due to TV, admin concerns regarding school-based priorities, image and funding, and sponsorship considerations, teams

that compete in NCA/NDA College Championships may not be eligible to participate in any other event promoted as a cheer or dance “national championship.”

4.

Produce any and all documents, agreements or contracts that relate to or establish any type relationship between Jeff Webb and BSN Sports, LLC that were entered into from 2010 until the present. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

5.

Please produce any and all contracts, documents, memos, letters, or any agreements between Jeff Webb and Varsity Brands, LLC or any of the other associated or subsidiary companies (not to be limited to, but to include the co-defendants listed in this litigation) that came into existence or entered into at any time during the last ten years. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

6.

Please produce a complete set of the USA Federation for Sport Cheering (USA Cheer) rules governing Cheer that was used for 2016, 2017, 2018 and 2019. This includes any updates, changes or directives issued during those years. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

7.

Please produce any and all loan documents associated with any loans given

by BSN Sports, LLC, Varsity Brands, LLC, or any of your subsidiary companies (not to be limited to, but to include the co-defendants in this litigation) to USA Federation for Sport Cheering (USA Cheer). Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

8.

Please produce a complete list of the USA Federation for Sport Cheering (USA Cheer) board members, including the current presidents name, the names of the board members, mailing addresses, email addresses, phone numbers, and any records that would identify by whom they are employed, for the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

9.

Please identify and produce a complete list of the name, address, title and phone number for every president and vice-president for Varsity Brands, LLC and each co-defendant subsidiary company, including BSN Sports, LLC, listed in this litigation for the years 2016, 2017, 2018, 2019 and 2020. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

10.

Produce any and all documents, agreements or contracts that relate to or establish the sale, merger or purchase, by either Bain Capital, LP or CharlesBank Capital Partners, LLC of Varsity Brands, LLC, BSN Sports, LLC or any of your subsidiary companies which were entered into during the years 2016, 2017, 2018,

2019 or 2020. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

11.

Please produce any and all contracts, documents, memos, letters, or any agreements between Jeff Webb, Varsity Brands, LLC, BSN Sports, LLC, any subsidiary of Varsity Brands, LLC, or USA Federation for Sport Cheering (USA Cheer) and Varsity Intropa Tours, Inc. which were entered into during the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

12.

Please produce any documents, ledgers, accounting records or other financial records that would reflect the gross annual revenues and the net profits for BSN Sports, LLC for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

13.

Please produce any records that would reflect how many full time employees BSN Sports, LLC had in each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

14.

Please produce any and all contracts, documents, memos, letters, or any agreements between Jeff Webb, Varsity Brands, LLC, BSN Sports, LLC, any subsidiary of Varsity Brands, LLC, or USA Federation for Sport Cheering (USA

Cheer) and Disney World Resort or Disneyland which were entered into during the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

15.

Please produce any and all contracts, documents, memos, letters, or any agreements between Jeff Webb, BSN Sports, LLC, Varsity Brands, LLC, any subsidiary of Varsity Brands, LLC, or USA Federation for Sport Cheering (USA Cheer) and ESPN to broadcast cheerleading competitions which were entered into during the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

16.

Please produce a list that would include the identity by name of the student sized or measured for any type of scholastic uniform, parents name, address, email address and phone number associated with scholastic sales by your scholastic sales employees/representatives (not All Star sales reps) for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

17.

Please produce a list that would include the identity by name of the student that purchased any merchandise, the parents name, address, email address and phone number associated with scholastic sales by your scholastic sales (not All Star sales reps) employees/representatives for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an

agreed upon privilege and/or confidential agreement with Defendant to protect this information.

18.

Please produce a list that would include the identity by name of the student and/or parent who purchased either a class ring or a champions ring, their address, email address and phone number associated with scholastic sales by your scholastic sales (not All Star sales reps) employees/representatives for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

19.

Please produce a list that would include the identity of each school by name, address, email address, phone number, contact person at the school, who attended a Varsity Spirit sponsored camp for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

20.

Please produce any and all financial records that would reflect the amount charged or accepted by BSN Sports, LLC, Varsity Brands, LLC, or any subsidiary company, for holding a summer camp for each school team, that would include the identity of each school by name, address, email address, phone number, contact person at the school, who paid for a Varsity sponsored camp, and the amount charged to the individual school for each summer camp, for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant

to protect this information.

21.

Please produce a copy of every BSN Sports, LLC, Varsity Brands, LLC, or any subsidiary company of Varsity Brands, LLC catalogs for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

22.

Please produce a copy of every exclusive sales contract or agreement that BSN Sports, LLC, Varsity Brands, LLC, or any subsidiary company of Varsity Brands, LLC entered into with any school for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

23.

Please produce any documents or sales employees manuals that existed for the years 2016, 2017, 2018 or 2019 used by the sales staff or sales managers for sales employees (both All Star and scholastic sales reps) of BSN Sports, LLC, Varsity Brands, LLC or any subsidiary companies of Varsity Brands, LLC. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

24.

Please produce a copy of every written or video produced promotion or marketing brochure, commercial or material generated for marketing, public relations or promotion and/or selling either merchandise or a service for BSN Sports, LLC, Varsity Brands, LLC or any subsidiary company of Varsity Brands, LLC for

each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

25.

Please produce a copy of the Impact program video for the re-branding of Catawba Ridge High School located in South Carolina and a copy of the total amount billed or charged by BSN Sports, LLC, Varsity Brands, LLC or any subsidiary company of Varsity Brands, LLC for this Impact program project.

26.

Please produce a copy of the Impact program contract or agreement for the re-branding of Catawba Ridge High School located in South Carolina and a copy of the total amount billed or charged by BSN Sports, LLC, Varsity Brands, LLC or any subsidiary company of Varsity Brands, LLC for this Impact program project.

27.

Please produce a complete list of all schools, including their name, address and phone number, who entered into any type of exclusive sales contract or agreement with BSN Sports, LLC, Varsity Brands, LLC or any subsidiary company of Varsity Brands, LLC for the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

28.

Please produce a copy of any and all contracts or agreements entered into by BSN Sports, LLC, Varsity Brands, LLC or any subsidiary company of Varsity Brands, LLC and Director's Showcase International (DSI) which was done in between the years 2018 and 2020. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential

agreement with Defendant to protect this information.

29.

Please produce any contracts or agreements entered into USA Cheer and BSN Sports, LLC, Varsity Brands, LLC or any subsidiary company of Varsity Brands, LLC for Varsity employees to do any work for them (USA Cheer). This includes any work done by your employees for planning or putting on any competitions or camps for each of the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

30.

Please produce any and all records, contracts, agreements and financial documents that reflect any type of arrangement between BSN Sports, LLC, Varsity Brands, LLC or any subsidiary of Varsity Brands, LLC and Varsity Intropa Tours that have existed since 2010. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

31.

Please produce any and all financial records or financial documents that reflect the amount of money earned by BSN Sports, LLC, Varsity Brands, LLC or any subsidiary of Varsity Brands, LLC and Varsity Intropa Tours for either travel, tickets or hotels charged to either schools or parents of competition cheerleaders, parents of school cheerleaders, school bands or school color guards, for the years 2016, 2017, 2018 or 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

32.

Please produce any and all records, contracts, agreements and financial documents that reflect any type of arrangement between BSN Sports, LLC, Varsity Brands, LLC or any subsidiary of Varsity Brands, LLC and K & K Insurance that have existed since 2010. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

33.

Please produce any and all financial records or financial documents that reflect the amount of money earned by BSN Sports, LLC, Varsity Brands, LLC or any subsidiary of Varsity Brands, LLC and K & K Insurance for cheerleading insurance charged to either schools or parents of competition cheerleaders for the years 2016, 2017, 2018 or 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

34.

Please produce a complete list, including names, addresses, email addresses and phone number for all BSN Sports, LLC sales personnel that worked for BSN Sports, LLC during the years 2016, 2017, 2018 and 2019. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

35.

Please produce a complete list of the schools, including their addresses, contact person for sales at the school, and phone numbers for the schools that BSN Sports has done business with since the year 2016. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

36.

Please produce any and all training or employee manuals used by BSN Sports, LLC to train or guide their sales staff in selling BSN Sports, LLC products to schools. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

37.

Please produce the contracts or agreements for purchasing and/or merging with the following companies: Herff Jones, LLC; Team division of Todd & Moore Sporting Goods, Inc.; Spokane Athletic Supply; Kohlmyer Sporting Goods; Partnership agreement with Pop Warner Little Scholars; East Texas Sports Center, Inc.; Olympia Sporting Goods, Inc.; Judge Little Co.; F & F Sport Shop, Inc.; Westside Team Sports, LLC; Ultimate Team Sales; Lid Team Sports from Genesco, Inc.; Jerry's Sporting Goods; Idaho Sporting Goods; Steadman's Sports Center in Los Angeles; S & S Sports Center in Los Angeles; Marlow Sports, Inc.; Team division of Erie Sports Store in Pa.; Lowe's Sporting Goods in Kentucky; Kimmel's Athletic Supply in Washington; Newberry Sporting Goods in Ohio; Athlete's World/Stadium Sports in west Texas; Academy Sports in Ut.; Hibbett Team Sales; Gulf Coast Athletic Supply; DC Sports, Inc.; Midwest Sportswear & Athletic Supply; Reynolds Team Sales; Kelly's Sports, LTD.; TEAMLINE, LTD; Jeff Sporting Goods; Sports Page Team; Naperville's Janor Sports; Team division of Johnny Mac's; H & L Sporting Goods; T & T Sportman's Shop; Legacy Team Sales; Key Sport; Hillock Sports, LLC; David Bowen Sporting Goods; Wayne Sporting Goods; Riddell's College Team Division; Key Business Lines; Athletics Unlimited; Nill Brothers Sports; and any other companies that have been either purchased or

merged with BSN Sports, LLC. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

38.

Please produce any and all contracts or agreements associated with the Impact Program and any schools for the last four years. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

39.

Please produce any and all advertising materials including print, email, electronic or video used by BSN or BSN sales staff to promote the Impact program for schools. Plaintiff agrees to keep this information confidential and is willing to execute an agreed upon privilege and/or confidential agreement with Defendant to protect this information.

Respectfully submitted,

/s/ Robert A Falanga
Robert A. Falanga, Esq.
Georgia Bar No. 254400

/s/ Kobelah S. Bennah
Kobelah S. Bennah
Georgia Bar No. 378113

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The undersigned counsel certifies that the foregoing Request for Production of Documents have been prepared with the font and point selections approved by the court in LR 5.1B.

S/ Robert A. Falanga
ROBERT A. FALANGA
Attorney for Plaintiffs
State Bar No. 254400

PLAINTIFF'S CERTIFICATE OF SERVICE

This is to certify that I have this day served all counsel to this action with a copy of Plaintiff's First Requests to Produce directed to Defendant BSN Sports, LLC for the above-styled case by either hand delivering same, by e-file and/or by depositing a copy of them in the United States mail in a properly addressed envelope with adequate postage affixed thereto as follows:

Cleary, Gottlieb, Steen & Hamilton	Baker, Donelson, Bearman
Attn: Steven J. Kaiser, Esq.	Caldwell & Berkowitz
Alexis Collins, Esq.	Attn: Nicole Berkowitz, Esq.
Mark W. Nelson, Esq.	Grady Garrison, Esq.
George S. Cary, Esq.	165 Madison Avenue
2112 Pennsylvania Avenue, NW	Suite 2000
Washington, D.C. 20037	Memphis, TN. 38103

Locke Lord, LLP
Attn: Ms. Talis C. Trevino, Esq.
Terminus 200, Suite 1200
3333 Piedmont Road, NE
Atlanta, Georgia 30305

This 17TH day of September, 2020.

S/ Robert A. Falanga
Robert A. Falanga
Attorney for the Plaintiffs
Georgia Bar No.: 254400

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